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KYOCERA WIRELESS CORP. P.O. BOX 928289 SAN DIEGO, CA 92192-8289			EXAMINER DANIEL JR, WILLIE J	
			ART UNIT 2617	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/849,715

Applicant(s)

KIRBAS ET AL.

Examiner

WILLIE J. DANIEL JR

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 41-48 and 55-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41-48 and 55-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 06 December 2007. **Claims 41-48 and 55-57** (i.e., 55-58) are now pending in the present application and **claims 1-40 and 49-54** are canceled. This office action is made **Final**.

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 55-57 have been renumbered 55-58. The current claim listing has two claims numbered 55. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 41 and 46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- a. **Claims 41 and 46** include the limitation "...processor configured to request the current physical location from the GPS device..." in line(s) 12-13" as recited in claim 46. The applicant on pg. 11 of remarks section B states, "...supported by specification on page 10..." as support for the claimed limitation. The cited area does not mention a processor providing a request.

Regarding **claims 41 and 46**, the claim(s) include(s) a limitation that is not supported by the specification as originally filed. The applicant is advised to review the subject matter of the specification (see pg. 7, 1st full par.), which basically describes a controller checking a phone number. Consequently, there is no language in the specification that describes the limitation "...of item 3a above..." as recited in said claims. Applicant is advised to clearly and concisely provide claim language that is consistent and correlates to the specification and mindful not to improperly utilized language that is clearly not supported. The Examiner respectfully requests the applicant to provide page(s), line(s), and figure(s) of the instant

application that supports the limitation of the claim(s) and/or any supportive comment(s) to help clarify and resolve this issue(s).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 41-48 and 55-57 (i.e., 58) are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schmidt (US 6,208,872 B1)** in view of **Irvin (US 6,556,819 B2)**.

Regarding **claim 41**, Schmidt discloses a method for restricting communication in a mobile station (12, 28) which reads on the claimed “wireless communication device” (see abstract; Figs. 1, 2, 4, and 5), comprising the steps of:

receiving a phone number into the wireless communication device (28) (see col. 7, lines 42-44; Fig. 5 ‘ref. 82’);

requesting a current global positioning system (GPS) location (see col. 7, lines 46-59, 27-40; Figs. 4 and 5 ‘ref. 84’), where the mobile station is able to determine the location and to check as to whether the station is roaming;

receiving the current GPS location (see col. 7, lines 46-59, 27-40; Figs. 4 and 5 ‘ref. 84’), where the mobile station is able to determine the location and to check as to whether the station is roaming;

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determining a current physical location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming,

utilizing the current location (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming;

utilizing a processor (54) which reads on the claimed "controller" in the wireless communication device (28) to determine if the current physical location (74, 76, 78, 80) matches at least one authorized physical location (e.g., home system) stored in a memory (58) of the wireless communication device (see col. 6, lines 15-16; col. 7, lines 46-59,27-40; Figs. 2, 4, and 5 'ref. 84'), where the determinator (40) provides location information to the processor (54);

utilizing the controller (54) to determine if at least a portion of the received phone number matches at least one geographic characteristic (e.g., phone number) stored in the memory (58) (see col. 6, lines 15-16,27-38; Figs. 2, 3, and 5 'ref. 82');

utilizing a controller (54) to determine if a parameter associated with the geographic characteristic (e.g., phone number) stored in the memory (58) indicates that the geographic characteristic is an approved geographic characteristic, the parameter being independent of the physical location of the wireless communication device (28) (see col. 6, lines 15-16,27-45), where the memory stores phone numbers in a phone book in which a parameter would be inherent to indicate that the phone numbers are approved because associated information

such as memory location, alpha tags, group number, and memory number are also stored as evidenced by the fact that one of ordinary skill in the art would clearly recognize (see col. 1, lines 48-53). The phone numbers and the associated information are considered acceptable and independent of location (see col. 7, lines 9-11). ; and

permitting one of a placement of a phone call to the received phone number and a receipt of the phone call from the received phone number only if the current physical location matches the at least one authorized physical location (e.g., home system) and if the at least the portion of the received phone number matches the at least one geographic characteristic (e.g., phone number) (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location, and

if the geographic characteristic is an approved geographic characteristic (e.g., phone number) (see col. 6, lines 15-16,27-38; Figs. 2, 3, and 5 'ref. 82'). Schmidt does not specifically disclose having the feature(s) requesting a current global positioning system (GPS) location from a global positioning system (GPS) functional device contained within the wireless communication device; receiving the current GPS location from the GPS functional device; utilizing the current GPS location. However, the examiner maintains that the feature(s) requesting a current global positioning system (GPS) location from a global positioning system (GPS) functional device contained within the wireless communication device; receiving the current GPS location from the GPS functional device; utilizing the current GPS location was well known in the art, as taught by Irvin.

In the same field of endeavor, Irvin discloses the feature(s)

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requesting a current global positioning system (GPS) location from a global positioning system (GPS) functional device (160) contained within the mobile communication terminal (100) which reads on the claimed “wireless communication device” (see col. 4, lines 29-39; Fig. 4 ‘ref. 440’), where the GPS receiver (160) is able to determine the physical location of the terminal (100);

receiving the current GPS location from the GPS functional device (see col. 4, lines 29-39; Fig. 4 ‘ref. 440’), where the GPS receiver (160) is able to determine the physical location of the terminal (100);

utilizing the current GPS location (see col. 4, lines 29-39; Fig. 4 ‘ref. 440’), where the GPS receiver (160) is able to determine the physical location of the terminal (100). As a note, Irvin also discloses other features such as utilizing a control unit (102) which reads on the claimed “controller” in the wireless communications device (100) to determine if the current physical location matches and at least one of authorized location (e.g., safe zone) stored in a memory (170) (see col. 6, lines 1-18,33-37; Fig. 4 “ref. 460”), where the control unit compares the terminal (100) to the safe zones; and receiving (i.e., dialing) a phone number (i.e., digit) into the wireless communications device (100) (see col. 3, lines 23-27, 37-42; col. 4, lines 22-28), where the user dials numbers (e.g., input numbers or digit string) using the keypad (108) of the mobile communication terminal (100) which is a typical process when making a phone call using a telephone (e.g., cellular phone). In addition, the user enters a command (e.g., SEND) to attempt (e.g., call origination) to connect with a calling party based on the dialed numbers (see col. 4, lines 22-28, 48-51), where the phone is

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determined to be in a safe zone in which the placing of a call would be inherent for the dialing of a number (see col. 6, lines 3-39; col. 3, lines 39-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt and Irvin to have the feature(s) requesting a current global positioning system (GPS) location from a global positioning system (GPS) functional device contained within the wireless communication device; receiving the current GPS location from the GPS functional device; utilizing the current GPS location, as taught by Irvin (see col. 2, lines 8-10).

Regarding **claim 42**, the combination of Schmidt and Irvin discloses every limitation claimed, as applied above (see claim 41), in addition Schmidt further discloses the method of claim 41, wherein the at least one geographic characteristic is an area code, and the at least the portion of the received phone number is an area code (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device in which the phone number is a 10-digit number that has an area code.

Regarding **claim 43**, the combination of Schmidt and Irvin discloses every limitation claimed, as applied above (see claim 41), in addition Schmidt further discloses the method of claim 41, wherein the phone number is received from a user interface (e.g., call initiator 36) of the wireless communication device (28) (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device.

Regarding **claim 44**, the combination of Schmidt and Irvin discloses every limitation claimed, as applied above (see claim 41), in addition Schmidt further discloses the method of claim 41, wherein at least one unauthorized physical location is stored in the memory (58) (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 128');

further comprising: blocking one of the placement of the phone call and the receipt of the phone call if the at least one unauthorized physical location matches the current physical location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124'), where incoming or outgoing calls are prohibited when roaming based on phone number and location. In addition, Irvin also discloses the feature such as at least one unauthorized location is stored in the memory (170) (see Fig. 4 'ref. 470').

Regarding **claim 45**, the combination of Schmidt and Irvin discloses every limitation claimed, as applied above (see claim 41), in addition Schmidt further discloses the method of claim 41, wherein at least one unauthorized geographic characteristic is stored in the memory (58) (see col. 7, lines 38-40; Figs. 2-4), further comprising:

blocking one of the placement of the phone call and the receipt of the phone call if the at least the portion of the received phone number matches the at least one unauthorized geographic characteristic (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124'), where incoming or outgoing calls are prohibited when roaming based on phone number and location.

Regarding **claim 46**, Schmidt discloses a wireless communication device (see col. 6, lines 4-16; Fig. 2), comprising:

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a memory (58) for storing at least one area code (see col. 6, lines 27-34,46-63; col. 7, lines 46-54; Figs. 2-4), where the memory stores information for permitting or prohibiting an incoming and outgoing call based on the phone number and location (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device in which the phone number is a 10-digit number that has an area code,

a location independent parameter associated with the at least one area code (see col. 6, lines 15-16,27-45), where the memory stores phone numbers in a phone book in which a parameter would be inherent to indicate that the phone numbers are approved because associated information such as memory location, alpha tags, group number, and memory number are also stored as evidenced by the fact that one of ordinary skill in the art would clearly recognize (see col. 1, lines 48-53). The phone numbers and the associated information are considered acceptable and independent of location (see col. 7, lines 9-11), and

at least one authorized location (e.g., home system) (see col. 6, lines 27-34,46-63; col. 7, lines 46-54; Figs. 2-4), where the memory stores information for permitting or prohibiting an incoming and outgoing call based on the phone number and location;

a user interface (e.g., call initiator 36) for inputting an outgoing number into the wireless communication device (28) (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device,

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the outgoing number having an outgoing area code (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device in which the phone number is a 10-digit number that has an area code;

a transceiver (30) which reads on the claimed "wireless interface circuit" for receiving an incoming phone number corresponding to an incoming call to the wireless communication device (28) (see col. 6, lines 4-7; Fig. 2), where the user of the mobile station (28) can receive an incoming call from another communication device in which the phone number is a 10-digit number that has an area code,

the incoming phone number having an incoming area code (see col. 5, lines 51-54; Fig. 3), where the user of the mobile station (28) can receive an incoming call from another communication device in which the phone number is a 10-digit number that has an area code;

determining a current physical location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming;

a processor (54) connected to the memory (58), the user interface (36), the wireless interface circuit (30) (see col. 6, lines 4-16,27-28; Fig. 2),

the processor (54) configured to request the current physical location (e.g., geographic area 74, 76, 78, 80) and receive the current physical location (e.g., geographic area 74, 76, 78, 80) (see col. 7, lines 46-59,27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming, and

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further configured to allow one of a placement of an outgoing call to the outgoing number and receipt of the incoming call only if the at least one authorized location matches the current physical location and only if the at least one area code matches one of the incoming area code and the outgoing area code (see abstract; col. 6, lines 15-16; col. 5, lines 51-54; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 3, 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location, and

only if the parameter associated with the at least one area code indicates that the at least one area code is an authorized area code (see col. 6, lines 15-16,27-45), where the memory stores phone numbers in a phone book in which a parameter would be inherent to indicate that the phone numbers are approved because associated information such as memory location, alpha tags, group number, and memory number are also stored as evidenced by the fact that one of ordinary skill in the art would clearly recognize (see col. 1, lines 48-53). The phone numbers and the associated information are considered acceptable and independent of location (see col. 7, lines 9-11). Schmidt does not specifically disclose having the feature(s) a global positioning system (GPS) device for determining a current physical location of the wireless communication device; a processor connected to the GPS, the processor configured to request the current physical location from the GPS device and receive the current physical location from the GPS device. However, the examiner maintains that the feature(s) a global positioning system (GPS) device for determining a current physical location of the wireless communication device; a processor connected to the GPS, the processor configured to

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request the current physical location from the GPS device and receive the current physical location from the GPS device was well known in the art, as taught by Irvin.

Irvin further discloses the feature(s) a global positioning system (GPS) device (160) for determining a current physical location of the wireless communication device (100) (see col. 4, lines 29-39; Fig. 4 'ref. 440'), where the GPS receiver (160) is able to determine the physical location of the terminal (100);

a control unit (102) which reads on the claimed "processor" connected to the GPS (160) (see Fig. 2),

the processor (102) configured to request the current physical location from the GPS device (160) and receive the current physical location from the GPS device (160) (see col. 4, lines 29-39; Fig. 4 'ref. 440'), where the GPS receiver (160) is able to determine the physical location of the terminal (100). As additional support, Irvin at the least further discloses having the features such as a memory (170) for storing at least one authorized area code and at least one authorized location (e.g., safe zone) (see col. 6, lines 1-18,33-37; Fig. 4 "ref. 460"); a processor (102) connected to the memory (150, 170), the user interface (108), the wireless interface circuit (transmitter 120, receiver 140) (see Fig. 2); the processor allowing one of a placement of an outgoing call to the outgoing number only if the at least one authorized location matches the current physical location (see col. 6, lines 1-18,33-37; Fig. 4 "ref. 460"), where the control unit compares the terminal (100) to the safe zones in which the user the user enters a command (e.g., SEND) to attempt (e.g., call origination) to connect with a calling party based on the dialed numbers (see col. 4, lines 22-28, 48-51), where the

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phone is determined to be in a safe zone in which the placing of a call would be inherent for the dialing of a number (see col. 6, lines 3-39; col. 3, lines 39-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt and Irvin to have the feature(s) a global positioning system (GPS) device for determining a current physical location of the wireless communication device; a processor connected to the GPS, the processor configured to request the current physical location from the GPS device and receive the current physical location from the GPS device, in order to enable and disable security features for portable electronic devices based on location of the device, as taught by Irvin (see col. 2, lines 8-10).

Regarding **claim 47**, the combination of Schmidt and Irvin discloses every limitation claimed, as applied above (see claim 46), in addition Schmidt further discloses the wireless communication device of claim 46, wherein at least one unauthorized location is stored in the memory (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 4, 5 'ref. 92', and 6a 'ref. 128'); and

wherein the processor (54) blocks one of the outgoing call and the incoming call if the at least one unauthorized location matches the current physical location (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124'), where incoming or outgoing calls are prohibited when roaming based on phone number and location. In addition, Irvin also discloses the feature such as at least one unauthorized location is stored in the memory (170) (see Fig. 4 'ref. 470').

Regarding **claim 48**, the combination of Schmidt and Irvin discloses every limitation claimed, as applied above (see claim 46), in addition Schmidt further discloses the wireless

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communication device of claim 46, wherein at least one unauthorized area code is stored in the memory (58) (see col. 5, lines 51-54; col. 7, lines 38-40; Figs. 2-4); and

wherein the processor (54) blocks one of the outgoing call and the incoming call if the at least one unauthorized area code matches one of the incoming area code and the outgoing area code (see col. 8, lines 6-10; col. 9, lines 14-18,45-50; Figs. 5 'ref. 92' and 6a 'ref. 124'), where incoming or outgoing calls are prohibited when roaming based on phone number and location in which the phone number is a 10-digit number that has an area code (see col. 5, lines 51-54).

Regarding **claim 55**, Schmidt discloses every limitation claimed as applied above in claim 46. Schmidt does not specifically disclose having the feature(s) wherein the current GPS location is an absolute GPS position. However, the examiner maintains that the feature(s) wherein the current GPS location is an absolute GPS position was well known in the art, as taught by Irvin.

Irvin further discloses the feature(s) wherein the current GPS location is an absolute GPS position (e.g., geocoordinates) (see col. 6, lines 3-39; col. 4, lines 29-39), where the GPS receiver (160) is able to determine the physical location of the terminal (100).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt and Irvin to have the feature(s) wherein the current GPS location is an absolute GPS position, in order to enable and disable security features for portable electronic devices based on location of the device, as taught by Irvin (see col. 2, lines 8-10).

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Regarding **claim 56**, Schmidt discloses every limitation claimed as applied above in claim 46. Schmidt does not specifically disclose having the feature(s) wherein the current GPS location is an absolute GPS position. However, the examiner maintains that the feature(s) wherein the current GPS location is an absolute GPS position was well known in the art, as taught by Irvin.

Irvin further discloses the feature(s) wherein the current GPS location is a relative GPS position (see col. 6, lines 3-39; col. 4, lines 29-39), where the GPS receiver (160) is able to determine the physical location of the terminal (100) relative to safe zones.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt and Irvin to have the feature(s) wherein the current GPS location is an absolute GPS position, in order to enable and disable security features for portable electronic devices based on location of the device, as taught by Irvin (see col. 2, lines 8-10).

Claims 56-57 (i.e., 57-58) are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schmidt** (US 6,208,872 B1) in view of **Irvin** (US 6,556,819 B2) as applied to claim 41 above, and further in view of well known prior art (**MPEP 2144.03**).

Regarding **claim 56**, the combination of Schmidt and Irvin discloses every limitation claimed as applied above in claim 41. The combination of Schmidt and Irvin does not specifically disclose having the feature local toll charges. However, the examiner takes official notice of the fact that it was well known in the art to have the feature local toll charges.

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As a note, one of ordinary skill in the art would clearly recognize that the feature local toll charges are common knowledge. For example, a mobile station can originate/receive a call and may incur roaming charges (e.g., local toll charges) when not within the home area.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schmidt and Irvin by specifically having the feature local toll charges, for the purpose of having local toll charges in memory to restrict calls and/or billing usage (see Schmidt - col. 1, lines 13-36, 41-48).

Regarding **claim 57**, the combination of Schmidt and Irvin discloses every limitation claimed as applied above in claim 41. The combination of Schmidt and Irvin does not specifically disclose having the feature long distance charges. However, the examiner takes official notice of the fact that it was well known in the art to have the feature long distance charges.

As a note, one of ordinary skill in the art would clearly recognize that the feature long distance charges are common knowledge. For example, a mobile station can originate/receive a call and may incur roaming charges (e.g., long distance charges) when not within the home area.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schmidt and Irvin by specifically having the feature long distance charges, for the purpose of having long distance charges in memory to restrict calls and/or billing usage (see Schmidt - col. 1, lines 13-36, 41-48).

Claims 41 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schmidt (US 6,208,872 B1)** in view of **Agness et al.** (hereinafter Agness) (**US 6,799,052 B1**).

Regarding **claim 41**, Schmidt discloses a method for restricting communication in a mobile station (12, 28) which reads on the claimed “wireless communication device” (see abstract; Figs. 1, 2, 4, and 5), comprising the steps of:

receiving a phone number into the wireless communication device (28) (see col. 7, lines 42-44; Fig. 5 ‘ref. 82’);

determining a current physical location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) (see col. 7, lines 46-59, 27-40; Figs. 4 and 5 ‘ref. 84’), where the mobile station is able to determine the location and to check as to whether the station is roaming;

utilizing a processor (54) which reads on the claimed “controller” in the wireless communication device to determine if the current physical location (74, 76, 78, 80) matches at least one authorized physical location (e.g., home system) stored in a memory (58) of the wireless communication device (see col. 6, lines 15-16; col. 7, lines 46-59, 27-40; Figs. 2, 4, and 5 ‘ref. 84’), where the determinator (40) provides location information to the processor (54);

utilizing the controller (54) to determine if at least a portion of the received phone number matches at least one approved geographic characteristic (e.g., phone number) stored in the memory (58) (see col. 6, lines 15-16, 27-38; Figs. 2, 3, and 5 ‘ref. 82’);

utilizing a controller (54) to determine if a parameter associated with the geographic characteristic (e.g., phone number) stored in the memory (58) indicates that the geographic

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characteristic is an approved geographic characteristic, the parameter being independent of the physical location of the wireless communication device (28) (see col. 6, lines 15-16, 27-45), where the memory stores phone numbers in a phone book in which a parameter would be inherent to indicate that the phone numbers are approved because associated information such as memory location, alpha tags, group number, and memory number are also stored as evidenced by the fact that one of ordinary skill in the art would clearly recognize (see col. 1, lines 48-53). The phone numbers and the associated information are considered acceptable and independent of location (see col. 7, lines 9-11).; and

permitting one of a placement of a phone call to the received phone number and a receipt of the phone call from the received phone number only if the current physical location matches the at least one authorized physical location (e.g., home system) and if the at least the portion of the received phone number matches the at least one geographic characteristic (e.g., phone number) (see abstract; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location, and

if the geographic characteristic is an approved geographic characteristic (e.g., phone number) (see col. 6, lines 15-16, 27-38; Figs. 2, 3, and 5 'ref. 82'). Schmidt does not specifically disclose having the feature utilizing a global positioning system (GPS) functional device contained within the wireless communication device. However, the examiner maintains that the feature utilizing a global positioning system (GPS) functional device contained within the wireless communication device was well known in the art, as taught by Agness.

In the same field of endeavor, Agness discloses the feature utilizing a global positioning system (GPS) functional device (45) contained within the mobile communication terminal (cell phone 13) which reads on the claimed “wireless communication device” (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2), where the cell phone (13) has a GPS circuit (45) for determining the position which is used to restrict calls that are directed to the cell phone (13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt and Agness to have the feature utilizing a global positioning system (GPS) functional device contained within the wireless communication device, in order to provide a transmission inhibit for digital hand-held cell phones when at specified highway location and specified other restricted locations or during specified restricted times Agness (see col. 2, lines 38-41).

Regarding **claim 46**, Schmidt discloses a wireless communication device (see col. 6, lines 4-16; Fig. 2), comprising:

- a memory (58) for storing at least one area code (see col. 6, lines 27-34, 46-63; col. 7, lines 46-54; Figs. 2-4), where the memory stores information for permitting or prohibiting an incoming and outgoing call based on the phone number and location (see col. 5, lines 51-54, 60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 ‘ref. 82’), where the user of the mobile station (28) dials the phone number of another communication device in which the phone number is a 10-digit number that has an area code,

- a location independent parameter associated with the at least one area code (see col. 6, lines 15-16, 27-45), where the memory stores phone numbers in a phone book in which a

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parameter would be inherent to indicate that the phone numbers are approved because associated information such as memory location, alpha tags, group number, and memory number are also stored as evidenced by the fact that one of ordinary skill in the art would clearly recognize (see col. 1, lines 48-53). The phone numbers and the associated information are considered acceptable and independent of location (see col. 7, lines 9-11),, and

at least one authorized location (e.g., home system) (see col. 6, lines 27-34,46-63; col. 7, lines 46-54; Figs. 2-4), where the memory stores information for permitting or prohibiting an incoming and outgoing call based on the phone number and location;

a user interface (e.g., call initiator 36) for inputting an outgoing number into the wireless communication device (28) (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device,

the outgoing number having an outgoing area code (see col. 5, lines 51-54,60-62; col. 6, lines 7-8; col. 7, lines 42-44; Figs. 2 and 5 'ref. 82'), where the user of the mobile station (28) dials the phone number of another communication device in which the phone number is a 10-digit number that has an area code;

a transceiver (30) which reads on the claimed "wireless interface circuit" for receiving an incoming phone number corresponding to an incoming call to the wireless communication device (28) (see col. 6, lines 4-7; Fig. 2), where the user of the mobile station (28) can receive an incoming call from another communication device in which the phone number is a 10-digit number that has an area code,

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the incoming phone number having an incoming area code (see col. 5, lines 51-54; Fig. 3), where the user of the mobile station (28) can receive an incoming call from another communication device in which the phone number is a 10-digit number that has an area code;

determining a current physical location (e.g., geographic area 74, 76, 78, 80) of the wireless communication device (28) (see col. 7, lines 46-59, 27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming;

a processor (54) connected to the memory (58), the user interface (36), the wireless interface circuit (30) (see col. 6, lines 4-16, 27-28; Fig. 2),

the processor (54) configured to request the current physical location (e.g., geographic area 74, 76, 78, 80) and receive the current physical location (e.g., geographic area 74, 76, 78, 80), (see col. 7, lines 46-59, 27-40; Figs. 4 and 5 'ref. 84'), where the mobile station is able to determine the location and to check as to whether the station is roaming, and

further configured to allow one of a placement of an outgoing call to the outgoing number and receipt of the incoming call only if the at least one authorized location matches the current physical location and only if the at least one area code matches one of the incoming area code and the outgoing area code (see abstract; col. 6, lines 15-16; col. 5, lines 51-54; col. 7, line 58 - col. 8, line 10; col. 8, lines 44-59; Figs. 3, 5 'ref. 86 and 90', 6a 'ref. 108 and 112'), where incoming or outgoing calls are permitted based on phone number and location, and

only if the parameter associated with the at least one area code indicates that the at least one area code is an authorized area code (see col. 6, lines 15-16, 27-45), where the memory

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stores phone numbers in a phone book in which a parameter would be inherent to indicate that the phone numbers are approved because associated information such as memory location, alpha tags, group number, and memory number are also stored as evidenced by the fact that one of ordinary skill in the art would clearly recognize (see col. 1, lines 48-53). The phone numbers and the associated information are considered acceptable and independent of location (see col. 7, lines 9-11). Schmidt does not specifically disclose having the feature(s) a global positioning system (GPS) device for determining a current physical location of the wireless communication device; a processor connected to the GPS; configured to request the current physical location from the GPS device and receive the current physical location from the GPS device. However, the examiner maintains that the features a global positioning system (GPS) device for determining a current physical location of the wireless communication device; a processor connected to the GPS; configured to request the current physical location from the GPS device and receive the current physical location from the GPS device was well known in the art, as taught by Agness.

Agness further discloses the feature(s) a global positioning system (GPS) (45) for determining a current physical location of the wireless communication device (13) (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2), where the cell phone (13) has a GPS circuit (45) for determining the position which is used to restrict calls that are directed to the cell phone (13);

a microprocessor (43) which reads on the claimed "processor" connected to the GPS (45) (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2);

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configured to request the current physical location from the GPS device (45) and receive the current physical location from the GPS device (45) (see col. 6, lines 21-25, 33-36; col. 8, lines 37-51; Fig. 2), where the cell phone (13) has a GPS circuit (45) for determining the position which is used to restrict calls that are directed to the cell phone (13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schmidt and Agness to have the feature a global positioning system (GPS) device for determining a current physical location of the wireless communication device; a processor connected to the GPS; configured to request the current physical location from the GPS device and receive the current physical location from the GPS device, in order to provide a transmission inhibit for digital hand-held cell phones when at specified highway location and specified other restricted locations or during specified restricted times Agness (see col. 2, lines 38-41).

Response to Arguments

5. Applicant's arguments with respect to claims 41-48 and 55-57 have been considered but are moot in view of the new ground(s) of rejection necessitated by the amended language and/or new limitations.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIE J. DANIEL JR whose telephone number is (571)272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. J. D., Jr./

WJD,JR
02 March 2008


CHARLES N. APPIAH
SUPERVISORY PATENT EXAMINER